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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 MAR -6 PM 12:09

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rene SANCHEZ-Estematis,

Defendant

) Magistrate Docket No.

) **'08 MJ 07 13**

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326
) Deported Alien Found in the
) United States

The undersigned complainant, being duly sworn, states:

On or about **March 5, 2008** within the Southern District of California, defendant, **Rene SANCHEZ-Estematis**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

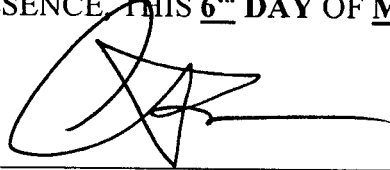


SIGNATURE OF COMPLAINANT

James Trombley

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 6th DAY OF MARCH, 2008



Cathy A. Bencivengo

UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:**Rene SANCHEZ-Estematis****PROBABLE CAUSE STATEMENT**

On March 5, 2008, at approximately 7:15 am, while working line watch duties east of Tecate, California, Border Patrol Agent D. Ramirez, responded to sensor activation advised via radio by sector dispatch. This area is approximately nine miles east of the Tecate, California, Port of Entry, and 300 yards north of the United States/Mexico International Boundary Fence.

Upon arrival to the area of the sensor activation Agent Ramirez encountered four individual trying to conceal themselves in surrounding brush. Agent Ramirez identified himself as United States Border Patrol Agent and questioned each of the individuals including the one later identified as the defendant, **Rene SANCHEZ-Estematis**, as to their citizenship. All four admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. At approximately 7:30 a.m. Agent Ramirez placed all four subjects under arrest and transported them to the Tecate Processing Center in Tecate, California, for records checks and interviewing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **December 17, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.